

Michael P. Kenny, Esq. (admitted *pro hac vice*)
mike.kenny@alston.com
Debra D. Bernstein, Esq. (admitted *pro hac vice*)
debra.bernstein@alston.com
Matthew D. Kent, Esq. (admitted *pro hac vice*)
matthew.kent@alston.com

ALSTON & BIRD LLP

1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Tel: (404) 881-7000
Facsimile: (404) 881-7777

James M. Wagstaffe, Esq. (SBN 95535)
wagstaffe@kerrwagstaffe.com

KERR & WAGSTAFFE LLP

101 Mission Street, 18th Floor
San Francisco, California 94105-1576
Tel: (415) 371-8500
Facsimile: (415) 371-0500

Attorneys for Plaintiffs Dell Inc. and Dell Products L.P.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

This Document Relates to:

Electrograph Sys. v. Hitachi, Ltd., No. 11-cv-01656;
Electrograph Sys., Inc. v. Technicolor SA, No. 13-cv-05724;
Siegel v. Hitachi, Ltd., No. 11-cv-05502;
Siegel v. Technicolor SA, No. 13-cv-05261;
Best Buy Co. v. Hitachi, Ltd., No. 11-cv-05513;
Best Buy Co. v. Technicolor SA, No. 13-cv-05264;
Interbond Corp. of Am. v. Hitachi, Ltd., No. 11-cv-06275;

Master File No. 3:07-cv-05944-SC

MDL No. 1917

DECLARATION OF DEBRA D. BERNSTEIN IN SUPPORT OF PLAINTIFFS' OPPOSITION TO KONINKLIJKE PHILIPS N.V.'S MOTION FOR SUMMARY JUDGMENT AND PLAINTIFFS' OPPOSITION TO PHILIPS ELECTRONICS NORTH AMERICA CORPORATION'S, PHILIPS TAIWAN LIMITED'S, AND PHILIPS DO BRASIL LTDA.'S MOTION FOR PARTIAL SUMMARY JUDGMENT

1 *Interbond Corp. of Am. v. Technicolor SA.*, No. 13-cv-
2 05727;

3 *Office Depot, Inc. v. Hitachi Ltd.*, No. 11-cv-06276;

4 *Office Depot, Inc. v. Technicolor SA*, No. 13-cv-5726;

5 *CompuCom Sys., Inc. v. Hitachi, Ltd.*, No. 11-cv-06396;

6 *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*,
7 No. 12-cv-02648;

8 *P.C. Richard & Son Long Island Corp. v. Technicolor*
9 *SA.*, No. 13-cv-05725;

10 *Schultze Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-
11 02649;

12 *Tech Data Corp. v. Hitachi, Ltd.*, No. 13-cv-00157;

13 *Dell Inc. and Dell Products L.P., v. Hitachi, Ltd.*, No.
14 13-cv-02171;

15 *Sears, Roebuck and Co. and Kmart Corp. v. Technicolor*
16 *SA*, No. 13-cv-05262;

17 *Sears, Roebuck and Co. and Kmart Corp. v. Chunghwa*
18 *Picture Tubes, Ltd.*, No. 11-cv-05514;

19 *Sharp Elecs. Corp. v. Hitachi, Ltd.*, No. 13-cv-1173 SC;

20 *Sharp Elecs. Corp. v. Koninklijke Philips Elecs., N.V.*,
21 No. 13-cv-2776 SC;

22 *ViewSonic Corp. v. Chunghwa Picture Tubes, Ltd.*, No.
23 14-02510;

24 *All Indirect Purchaser Actions.*

1 I, **DEBRA D. BERNSTEIN**, declare as follows:

2 1. I am a Partner with the law firm of Alston & Bird LLP, counsel for Plaintiffs Dell Inc.
3 and Dell Products L.P. (collectively, "Dell") in the above-captioned action currently pending in the
4 U.S. District Court for the Northern District of California. I submit this Declaration in support of
5 Plaintiffs' Opposition to Koninklijke Philips N.V.'s Motion for Summary Judgment and Plaintiffs'
6 Opposition to Philips Electronics North America Corporation's, Philip Taiwan Limited's, and Philips
7 do Brasil Ltda.'s Motion for Partial Summary Judgment. I have personal knowledge of the facts stated
8 herein, and I could and would competently testify thereto if called as a witness.

9 2. I am a member in good standing of the State Bar of Georgia and am admitted to practice
10 before the U.S. District Court for the Northern District of Georgia. Pursuant to the Court's Pretrial
11 Order No. 1 in the MDL Proceeding, I have been admitted *pro hac vice* in this litigation.

12 3. **Exhibit 1** are true and correct copies of excerpts from the November 5, 2014,
13 deposition transcript of Royal Philips 30(b)(6) Representative Frans Spaargaren.

14 4. **Exhibit 2** is a true and correct copy of a document produced by Philips bearing bates
15 numbers PNV0053292–PNV0053317.

16 5. **Exhibit 3** is a true and correct copy of a document produced by LPD bearing bates
17 numbers LPD-NL00018396–LPD-NL00018473.

18 6. **Exhibit 4** is a true and correct copy of a document produced by Philips bearing bates
19 number PHLP-CRT-071832.

20 7. **Exhibit 5** is a true and correct copy of a document produced by Philips bearing bates
21 numbers PHLP-CRT-104383–PHLP-CRT-104511.

22 8. **Exhibit 6** is a true and correct copy of the Objections and Responses of Defendant
23 Koninklijke Philips N.V. to DAP's First Set of Interrogatories.

24 9. **Exhibit 7** consists of true and correct copies of excerpts from the July 31-August 1,
25 2012 deposition transcript of Royal Philips 30(b)(6) Representative Roger De Moor.

26 10. **Exhibit 8** is a true and correct copy of a document produced by Dell bearing bates
27 numbers DELL-CRT-00095367–DELL-CRT-00095376.

11. **Exhibit 9** is a true and correct copy of a document produced by Philips bearing bates numbers EIN0051737–EIN0051744.

12. **Exhibit 10** is a true and correct copy of a document produced by Philips Electronics North America Corporation bearing bates numbers PENAC-DOJ-0000577–PENAC-DOJ-0000594.

13. **Exhibit 11** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-026300–PHLP-CRT-026301.

14. **Exhibit 12** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-026296–PHLP-CRT-026299.

15. **Exhibit 13** consists of true and correct copies of excerpts from the transcript of the December 12-13, 2013, deposition of Jim Smith.

16. **Exhibit 14** consists of true and correct copies of excerpts from the transcript of the October 8-9, 2014, deposition of Jan De Lombaerde.

17. **Exhibit 15** consists of true and correct copies of excerpts from the transcript of the February 19-21, 2013, deposition of Chih Chun Liu.

18. **Exhibit 16** is a true and correct copy of excerpts of a document produced by LPD bearing bates numbers LPD-NL00164354–LPD-NL00164438.

19. **Exhibit 17** is a true and correct copy of the Supplemental Exhibit A to Various DAP's Interrogatory Responses.

20. **Exhibit 18** is a true and correct copy of a document produced by Chunghwa bearing bates numbers CHU00028760–CHU00028762, as well as a certified translation of the same.

21. **Exhibit 19** is a true and correct copy of a document produced by Chunghwa bearing bates numbers CHU00028674–CHU00028676, as well as a certified translation of the same.

22. **Exhibit 20** are true and correct copies of excerpts from the transcript of the June 16-17, 2013, deposition of Pil Jae Lee.

23. **Exhibit 21** is a true and correct copy of a document produced by Samsung SDI bearing bates number SDCRT-0086690.

24. **Exhibit 22** is a true and correct copy of a document produced by Samsung SDI bearing

bates numbers SDCRT-0086675–SDCRT-0086681, as well as a certified translation of the same.

25. **Exhibit 23** is a composite exhibit consisting of true and correct copies of documents produced by Chunghwa bearing bates numbers CHU00030787–CHU00030794; CHU00030835–CHU00030838; CHU00021268–CHU00021271; CHU00029163–CHU00029170; CHU00030979–CHU00030984; CHU00029131–CHU00029137; CHU00029105–CHU00029107, as well as certified translations of the same to the extent the document is a foreign language document.

26. **Exhibit 24** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-109589–PHLP-CRT-109590.

27. **Exhibit 25** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-131584–PHLP-CRT-131590.

28. **Exhibit 26** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-130656–PHLP-CRT-130661.

29. **Exhibit 27** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-131901–PHLP-CRT-131906.

30. **Exhibit 28** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-131576–PHLP-CRT-131579.

31. **Exhibit 29** is a true and correct copy of a document produced by Chunghwa bearing bates numbers CHU00029138–CHU00029143, as well as a certified translation of the same.

32. **Exhibit 30** is a true and correct copy of a document produced by Chunghwa bearing bates numbers CHU00030995–CHU00030997, as well as a certified translation of the same.

33. **Exhibit 31** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-082372–PHLP-CRT-082374.

34. **Exhibit 32** are true and correct copies of excerpts from the transcript of the January 30–31, 2014, deposition of Patrick Canavan.

35. **Exhibit 33** is a true and correct copy of a document produced by Samsung SDI bearing bates numbers SDCRT-0002506–SDCRT-0002510, as well as a certified translation of the same.

36. **Exhibit 34** consists of true and correct copies of documents produced by Philips and

1 Toshiba bearing bates numbers JLJ-00003899 and TSB-CRT-00035310, respectively.

2 37. **Exhibit 35** is a true and correct copy of a document produced by Samsung SDI bearing
3 bates number SDCRT-0002562, as well as a certified translation of the same.

4 38. **Exhibit 36** is a true and correct copy of a document produced by Philips bearing bates
5 numbers EIN0012882–EIN0012935.

6 39. **Exhibit 37** is a true and correct copy of a document produced by Philips bearing bates
7 numbers EIN104437–EIN104506.

8 40. **Exhibit 38** is a true and correct copy of a document produced by Philips bearing bates
9 numbers EIN0003750–EIN0003798.

10 41. **Exhibit 39** is a true and correct copy of a document produced by Philips bearing bates
11 numbers PTC-00006474.

12 42. **Exhibit 40** is a true and correct copy of a document produced by Chunghwa bearing
13 bates numbers CHU00030701–CHU00030704, as well as a certified translation of the same.

14 43. **Exhibit 41** is a true and correct copy of a document produced by Chunghwa bearing
15 bates number CHU00021272.

16 44. **Exhibit 42** is a true and correct copy of a document produced by Chunghwa bearing
17 bates number CHU00735558, as well as a certified translation of the same.

18 45. **Exhibit 43** is a true and correct copy of a document produced by Philips bearing bates
19 numbers PHLP-CRT-144478–PHLP-CRT-144585.

20 46. **Exhibit 44** are true and correct copies of excerpts from the transcript of the February
21 22, 25-26, 2013, deposition of Sheng-Jen. Yang.

22 47. **Exhibit 45** is a true and correct copy of a document produced by LG Electronics
23 bearing bates numbers LGE00092012–LGE00092018.

24 48. **Exhibit 46** is a true and correct copy of a document produced by Philips bearing bates
25 numbers PNV0152948–PNV0152949.

26 49. **Exhibit 47** is a true and correct copy of a document produced by Philips bearing bates
27 numbers PHLP-CRT-103886–PHLP-CRT-103888.

1 50. **Exhibit 48** is a true and correct copy of a document produced by Philips bearing bates
2 number PHLP-CRT-052479.

3 51. **Exhibit 49** is a true and correct copy of a document produced by Philips bearing bates
4 numbers PHLP-CRT-160819–PHLP-CRT-160822.

5 52. **Exhibit 50** is a true and correct copy of a document produced by Philips bearing bates
6 numbers PHLP-CRT-1000–PHLP-CRT-1010.

7 53. **Exhibit 51** is a true and correct copy of a document produced by Philips bearing bates
8 numbers PHLP-CRT-148795–PHLP-CRT-148796.

9 54. **Exhibit 52** is a true and correct copy of a document produced by Philips bearing bates
10 numbers PHLP-CRT-048786–PHLP-CRT-048787.

11 55. **Exhibit 53** are true and correct copies of excerpts from the transcript of the July 1-3,
12 2013, deposition of Yasuki Yamamoto.

13 56. **Exhibit 54** is a true and correct copy of a document produced by Philips bearing bates
14 numbers PHLP-CRT-014272–PHLP-CRT-014274.

15 57. **Exhibit 55** is a true and correct copy of a document produced by Philips bearing bates
16 number PHLP-CRT-052781.

17 58. **Exhibit 56** is a true and correct copy of a document produced by Philips bearing bates
18 numbers PHLP-CRT-149827–PHLP-CRT-149829.

19 59. **Exhibit 57** is a true and correct copy of a document produced by Philips bearing bates
20 numbers PHLP-CRT-163389–PHLP-CRT-163391.

21 60. **Exhibit 58** is a true and correct copy of a document produced by Philips bearing bates
22 number PHLP-CRT-159385. The exhibit also includes a true and correct copy of an attachment to this
23 document, bearing bates number PHLP-CRT-159393.

24 61. **Exhibit 59** is a true and correct copy of a document produced by Philips bearing bates
25 numbers PHLP-CRT-156458–PHLP-CRT-156460.

26 62. **Exhibit 60** is a true and correct copy of a document produced by Philips bearing bates
27 numbers PHLP-CRT-158085–PHLP-CRT-158086.

63. **Exhibit 61** is a true and correct copy of a document produced by Matsushita-Toshiba Picture Display bearing bates numbers MTPD-0521744–MTPD-0521748, as well as a certified translation of the same.

64. **Exhibit 62** is a true and correct copy of a document produced by LPD bearing bates numbers LPD-NL00031186–LPD-NL00031206.

65. **Exhibit 63** is a true and correct copy of a document produced by Chunghwa bearing bates numbers CHU00578883–CHU00578885, as well as a certified translation of the same.

66. **Exhibit 64** is a true and correct copy of the Supplementary Objections and Responses of Defendant Philips Electronics North America Corporation to Dell’s First Set of Interrogatories.

67. **Exhibit 65** is a composite exhibit consisting of true and correct copies of documents produced by the Philips bearing bates numbers PNV0121635–PNV0121640; EIN0000100; PHLP-CRT-082985.

68. **Exhibit 66** is a true and correct copy of a document produced by Samsung SDI bearing bates numbers SDCRT-0002488–SDCRT-0002489, as well as a certified translation of the same.

69. **Exhibit 67** is a true and correct copy of a document produced by Chunghwa bearing bates numbers CHU00031105–CHU00031106, as well as a certified translation of the same.

70. **Exhibit 68** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-089651–PHLP-CRT-089652.

71. **Exhibit 69** is a true and correct copy of a document produced by Philips bearing bates number PHLP-CRT-073314.

72. **Exhibit 70** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-160267–PHLP-CRT-160268.

73. **Exhibit 71** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-094860–PHLP-CRT-094861.

74. **Exhibit 72** is a true and correct copy of a document produced by Philips bearing bates number PHLP-CRT-161825.

75. **Exhibit 73** is a true and correct copy of a document produced by Philips bearing bates

1 numbers PHLP-CRT-154722–PHLP-CRT-154723.

2 76. **Exhibit 74** is a true and correct copy of the April 15, 2014 Expert Report of Mohan
3 Rao.

4 77. **Exhibit 75** is a true and correct copy of the April 15, 2014 Expert Report of Janet S.
5 Netz.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct.

8
9 Executed on December 22, 2014, in Atlanta, Georgia.

10 /s/ Debra D. Bernstein

11 Debra D. Bernstein, Esq.
12 **ALSTON & BIRD LLP**
13 1201 West Peachtree Street
14 Atlanta, Georgia 30309-3424
Tel: (404) 881-7000
Facsimile: (404) 881-7777
debra.bernstein@alston.com

15 *Attorneys for Plaintiffs Dell Inc. and Dell Products L.P.*
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBITS 1-75
FILED UNDER SEAL